

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 20-20326

v.

Honorable Nancy G. Edmunds

CORNELIUS NKENGE NELSON, JR.,

Defendant.

_____ /

ORDER DENYING DEFENDANT’S MOTION [40]

Defendant Cornelius Nkenge Nelson, Jr. pled guilty to felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1) on October 6, 2020. (ECF No. 30.) Judgment was entered on February 2, 2021. (ECF No. 38.) The matter is now before the Court on Defendant’s pro se “motion to preserve 18 U.S.C. 922(g) issue that is sure to reach the United States Supreme Court.” (ECF No. 40.) Defendant notes that there is ongoing litigation regarding the constitutionality of § 922(g)(1) in light of the Supreme Court case of *New York State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022). The outcome of that litigation is still uncertain. See *United States v. Bowers*, No. 22-6095, 2024 U.S. App. LEXIS 2259, at *6 (6th Cir. Jan. 31, 2024) (noting that “[n]o binding case law addresses the constitutionality of § 922(g)(1) in light of *Bruen*”). Regardless, there is no authority that would allow Defendant to “preserve” an argument attacking his conviction three years after judgment is entered. Accordingly, Defendant’s motion is DENIED.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: March 5, 2024

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 5, 2024, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager